

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SUZANNE M. KING, )  
Plaintiff, ) CIVIL NO. 3:19-cv-05524-RSM  
vs. ) ORDER  
COMMISSIONER OF SOCIAL SECURITY, )  
Defendant )

This matter comes before the Court on the Plaintiff's motion for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in §2412(d)(1)(B), from the entry of final judgment on December 6, 2019 to file a timely EAJA application. *Akopyan v. Barnhart*, 296 F.3d 852 (9<sup>th</sup> Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S. 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the record, the Court determines that Plaintiff is the prevailing party, the government's position was not substantially justified, and that the itemization of attorney time spent is reasonable. In short, the requirements of § 2412(d)(1)(B) are met.

1 Having thoroughly considered the Plaintiff's briefing and the relevant record, the Court  
2 hereby GRANTS the motion and awards Plaintiff \$5,241.60 in attorney's fees, subject to any offset  
3 allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010).  
4 Payment of EAJA fees shall be via check sent to Plaintiff's attorney David Oliver & Associates,  
5 2608 S. 47<sup>th</sup> Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratliff*, the award shall be payable  
6 to Plaintiff's attorney, David Oliver & Associates, if the Commissioner confirms that Plaintiff  
7 owes no debt to the Government through the Federal Treasury Offset Program.

8 For the foregoing reasons, Plaintiff's motion for attorney fees is GRANTED;

9 DATED this 27<sup>th</sup> day of March 2020.



10  
11 RICARDO S. MARTINEZ  
12 CHIEF UNITED STATES DISTRICT JUDGE  
13  
14 Presented by:  
15  
16 S/David P. OLIVER  
17 David P. Oliver,  
Attorney for Plaintiff  
18  
19  
20  
21  
22  
23  
24  
25